

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

UMB Bank, N.A., *as Trustee*,

Plaintiff,

- against -

SANOFI,

Defendant.

Civil Action No.: 1:15-cv-08725  
(GBD)

**[PROPOSED] FOURTH AMENDED DISCOVERY PLAN AND SCHEDULING ORDER**

WHEREAS, on November 16, 2017, the Court “So Ordered” the Third Amended Discovery Plan and Scheduling Order (ECF No. 152);

WHEREAS, Plaintiff and Defendant (together, the “Parties,” and each a “Party”) have jointly requested a modification to the Third Amended Discovery Plan and Scheduling Order;

NOW, THEREFORE, pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure (the “Federal Rules”), the Court hereby adopts the following stipulated amended discovery plan and scheduling order.

**I. DISCOVERY PLAN**

**a. Conduct of Discovery:** All discovery shall proceed in accordance with the applicable Federal Rules and the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York (the “Local Rules”), except as otherwise ordered by the Court or as specified herein.

**b. Number of Depositions**

Plaintiff's Position: Depositions should be capped by the number of hours of examination time, not by the number of deponents or the length of any individual deposition. The parties each may take up to 210 hours of deposition time (exclusive of expert depositions).

Defendant's Position: The Parties each may take up to 25 depositions (exclusive of expert depositions) in accordance with Federal Rule 30.

## **II. SCHEDULING ORDER**

### **a. Fact Discovery**

i. The Parties will serve all interrogatories or requests for admission on or before September 15, 2018. The parties are relieved of the restrictions of Local Rule 33.3(a).

ii. Depositions, other than depositions of experts, shall occur on or before September 28, 2018.

iii. All fact discovery shall be completed on or before September 28, 2018.

There shall be no further extensions except for good cause shown.

### **b. Expert Discovery**

i. Plaintiff shall identify expert witnesses and serve the written reports or disclosures of such expert witnesses, as required by Federal Rule 26(a)(2)(B)-(C), on or before November 9, 2018.

ii. Defendant shall identify expert witnesses including any rebuttal expert witnesses and serve the written reports or disclosures of such expert witnesses, including any rebuttal expert witnesses, as required by Federal Rule 26(a)(2)(B)-(C), on or before January 4, 2019. Defendant shall take depositions of Plaintiff's expert witnesses prior to submission of Defendant's expert reports.

iii. Plaintiff shall identify any rebuttal expert witnesses and serve the written rebuttal reports of such rebuttal expert witnesses, as required by Federal Rule 26(a)(2)(B)-(C), on or before March 1, 2019. Plaintiff shall take depositions of Defendant's expert witnesses prior to submission of Plaintiff's rebuttal expert reports.

iv. Depositions of all experts shall be completed on or before April 5, 2019. Defendant shall be entitled to depose all rebuttal expert witnesses even if such rebuttal expert witnesses were previously deposed in connection with previous reports. Any depositions taken by Defendant of Plaintiff's rebuttal expert witnesses (if any) after service of written rebuttal reports are limited to the issues in the rebuttal reports.

**c. Dispositive Motions**

i. Motions for summary judgment shall be served on or before May 10, 2019; opposition papers shall be served on or before June 28, 2019; and reply papers shall be served on or before August 2, 2019.

**d. Other Scheduling Matters**

i. A joint pretrial order shall be filed on or before May 17, 2019, unless a motion for summary judgment is made under subsection (c)(i) *supra*. In the event one or more motions for summary judgment are made, the date for submitting a joint pretrial order shall be 30 days from the issuance of a written decision on the motion(s).

ii. A final pre-trial conference will be held at a date and time to be determined by the Court.

DATED: June 7, 2018

**CAHILL GORDON & REINDEL LLP**

**WEIL, GOTSHAL & MANGES LLP**

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By: /s/ John A. Neuwirth

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*Attorneys for Defendant Sanofi*

**IT IS SO ORDERED:**

\_\_\_\_\_, 2018  
New York, New York

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HONORABLE ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE